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JAN 30 2009

D-1243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Enright, et al.)	
)	
Application No.: 10/796,506)	Art Unit 2621
)	
Confirmation No.: 1933)	
)	
Filing Date: March 9, 2004)	Patent Examiner
)	Andy S. Rao
)	
Title: Cash Dispensing Automated)	
Banking Machine With Improved)	
Fraud Detection Capabilities)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

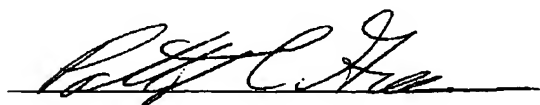
DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Patrick C. Green, hereby declare as follows:

1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as "Diebold"). I was employed by Diebold as an engineer and engineering manager in the development of automated banking machines (e.g., ATMs) and associated computer software for those machines. I retired from Diebold in 2007. I began working in the ATM industry in approximately 1974. I am familiar with the aspects of fraudulent devices (e.g., unauthorized reading devices) being installed to ATMs.

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2. Based on my knowledge and experience, a person having ordinary skill in the art of ATMs at the time of October 7, 1999 (hereinafter a "person having ordinary skill in the art") would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing ATMs (or equivalent years of working experience in the design of ATMs).
3. I have reviewed at least page 48 of U.S. application 09/414,249.
4. The person having ordinary skill in the art would have understood the link between unauthorized reading devices and ATMs. The person having ordinary skill in the art would have recognized an unauthorized reading device as being one of the "types of criminal tools" that could be used to attack an automated banking machine that is referred to in U.S. application 09/414,249 at page 48, line 12.
5. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.



Patrick C. Green

JAN 30, 2009

Date